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9 ROBERT PRUITT, CHERYL HARMS,
10 CLAUDIA BLODGETT, GARY KISHIMOTO,
11 JOELLA MOLLOY and EVERGREEN
12 ELEMENTARY SCHOOL DISTRICT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 5/30/07

Defendants.

1 The parties submit the following stipulation for the purpose of requesting the
2 Court continue the Motions presently set for June 1, 2007 at 9:00 a.m.

3 The Motion to Dismiss of the Evergreen School District Defendants was filed on
4 April 3, 2007, docket number 58, and set for hearing May 11, 2007 at 9:00 a.m.

5 The Motion for Judgment on the Pleadings was filed by Counsel for VMC Defendants
6 on April 4, 2007, docket number 66, and set for hearing May 11, 2007 at 9:00 a.m.

7 Both motions were continued to May 25, 2007, by prior stipulation of counsel. On
8 May 22, 2007, the Court continued the hearings to June 1, 2007.

9 By this stipulation, all counsel agree to continue the hearings on the Motion to
10 Dismiss, docket number 58, and the Motion for Judgment on the Pleadings, docket number
11 66, to June 15, 2007. All briefs have been filed. This stipulation is based upon the
12 unavailability of counsel for the EVERGREEN ELEMENTARY SCHOOL DISTRICT
13 DEFENDANTS, Jacquelyn K. Wilson, who will be on a pre-paid Alaskan cruise from May
14 27, 2007 through June 3, 2007. Ms Wilson, by her signature hereto, attests that she will be at
15 sea on the date the Court has continued the motions and unable to fly back to appear. She
16 further attests that no one else in her office has worked on the case so as to enable someone
17 else to appear in her stead.

18 All counsel have provided Jacquelyn Wilson authority to file the stipulation with their
19 electronic signature at the time of this filing.

20 Based on the foregoing, the parties hereby stipulate to have the matter submitted
21 to the Court requesting an order continuing the date now set for the motions noted above
22 from June 1, 2007 to June 15, 2007, at 9:00 a.m.

23 Dated: May 22, 2007

/s/ Peter Johnson

Peter Johnson
Attorney for Plaintiffs

25 Dated: May 22, 2007

/s/ Clifford Greenberg

Clifford Greenberg
Attorney for City of San Jose

27 Dated: May 22, 2007

/s/ Melissa Kiniyalocots

Melissa Kiniyalocots
Attorney for County of Santa Clara

1 Dated: May 22, 2007

2 /s/ Jacquelyn Wilson
3 Jacquelyn Wilson
4 Attorney for Evergreen School District
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ORDER TO CONTINUE MOTIONS

2 The Court having considered the stipulation of the parties submitted herewith,
3 and having found good cause, does hereby order that the Hearings on all motions presently
4 set for June 1, 2007 at 9:00 a.m. shall be, and hereby are, continued to June 15, 2007 at 9:00
5 a.m..

Pursuant to Stipulation, it is So Ordered,

Dated: 5/30/07

Ronald M. Whyte
Hon. Ronald M. Whyte
Judge of the United States District Court